

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No. : 09/896,774 Confirmation No. : 2033  
Applicant : Arroyo, *et al.*  
Filed : June 29, 2001  
TC/A.U. : 3627  
Examiner : RUDY, ANDREW J  
Docket No. : 6169-198  
IBM Docket No. : BOC9-2000-0062

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DECLARATION UNDER 37 C.F.R. § 1.131

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Robert M. Szabo, a citizen of the United States, residing in Boca Raton, Florida, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York, at the time the above-identified application was conceived. I make this declaration in support the above-identified application.
2. IBM invests substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).
3. As a named co-inventor for this invention, I and my co-inventors prepared and submitted the attached Invention Disclosure No. BOC8-2000-0076 pursuant to the IBM guidelines.
4. IBM Confidential Invention Disclosure BOC8-2000-0076 was originally submitted for consideration to an IBM Attorney/Patent Professional for preparation of a patent application on August 28, 2000, and insubstantially modified on September 26, 2000. The content of the disclosure has not been subsequently modified. The disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully

supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

5. Following the submission of Invention Disclosure No. BOC8-2000-0076, I diligently worked with IBM Attorney/Patent Professionals and outside counsel to prepare and file the above-mentioned patent application. During the period from at least as early as August 28, 2000, to the filing of the above-identified application on June 29, 2001, I reviewed various documents and provided input needed for preparing the application, including reviewing and providing comments on drafts of the application prepared by outside counsel.

6. I make this Declaration to establish that my co-inventors and I conceived of the present invention at least as early as August 28, 2000, and exercised due diligence from that date to June 29, 2001, the filing date of the above-identified patent application.

7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

Robert M. Szabo  
Robert M. Szabo

Date: June 9, 2006

IN TESTIMONY WHEREOF, Robert M. Szabo has hereunto set his hand this 9<sup>th</sup> day of June, 2006.

Carolyn M. Szabo  
Witness #1

Carolyn M. Szabo  
(Print/Type Name of Witness #1)

Laura A. Szabo  
Witness #2

Laura A. Szabo  
(Print/Type Name of Witness #2)